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# HOUSE BILL No. 1129

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-1-3; IC 7.1-3.

**Synopsis:** Wine delivery and grocery stores. Allows a grocery store to receive a liquor dealer's permit. Permits a drug store or a grocery store to sell any item that is not an alcoholic beverage through a window. Allows a wine dealer to deliver any amount of wine to a customer.

**Effective:** July 1, 2002.

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### Alderman

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January 8, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1129

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 7.1-1-3-15 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. ~~Drug Store:~~ The  
3 term "Drug store" means a retail business establishment:

- 4 (1) in which medicines and miscellaneous articles are sold; and  
5 (2) whose proprietor holds a license issued by the Indiana  
6 board of pharmacy.

7 SECTION 2. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2002]: Sec. 18.5. "Grocery store" means a  
10 store or a department within a general merchandise store that is  
11 engaged primarily in the retail sale of packaged food directly to the  
12 consumer for off premises consumption. The term does not include  
13 a store that is engaged primarily in the sale of food prepared for  
14 consumption:

- 15 (1) on the premises; or  
16 (2) after removal from the premises on a take-out basis.

17 SECTION 3. IC 7.1-3-10-2 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. ~~Drug Stores.~~ The commission may issue a liquor dealer's permit to the proprietor of a drug store ~~who holds a license issued by the state board of pharmacy.~~ **or a grocery store.** An applicant for a liquor dealer's permit for a drug store **or a grocery store** shall not be disqualified under ~~IC 1971, 7.1-3-4-2(m).~~ **IC 7.1-3-4-2(a)(13).**

SECTION 4. IC 7.1-3-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. The commission may issue a liquor dealer's permit to a drugstore **or a grocery store** situated outside the corporate limits of a city or town. ~~if the proprietor of the drugstore holds a license issued by the state board of pharmacy.~~ The permit authorized by this section shall be issued in the same manner, and subject to the same restrictions, as that which is provided for in the issuance of a liquor dealer's permit to a drugstore **or a grocery store** situated inside the corporate limits of a city or town.

SECTION 5. IC 7.1-3-10-7, AS AMENDED BY P.L.204-2001, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(c) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(d) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store **or a grocery store** may sell ~~prescription drugs and health and beauty aids~~ **any item that is not an alcoholic beverage** through a window in the licensed premises to a patron who is outside the licensed premises.

SECTION 6. IC 7.1-3-15-3, AS AMENDED BY P.L.204-2001, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The holder of a wine dealer's permit shall be

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1 entitled to purchase wine only from a permittee who is authorized to  
 2 sell to a wine dealer under this title. A wine dealer shall be entitled to  
 3 sell wine for consumption off the licensed premises only and not by the  
 4 drink.

5 (b) A wine dealer shall be entitled to sell wine in permissible  
 6 containers in a quantity of not more than three (3) standard cases, as  
 7 determined under the rules of the commission, in a single transaction.  
 8 However, a wine dealer who is licensed under IC 7.1-3-10-4 may  
 9 possess wine and sell it at retail in its original package to a customer  
 10 only for consumption off the licensed premises.

11 (c) Unless a wine dealer is a grocery store or drug store, a wine  
 12 dealer may not sell or deliver alcoholic beverages or any other item  
 13 through a window in the licensed premises to a patron who is outside  
 14 the licensed premises. A wine dealer that is a grocery store or drug  
 15 store may sell any item except alcoholic beverages through a window  
 16 in the licensed premises to a person who is outside the licensed  
 17 premises.

18 (d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may  
 19 deliver wine only in permissible containers to a customer's residence,  
 20 office, or designated location. ~~in a quantity that does not exceed three~~  
 21 ~~(3) standard cases, as determined under the rules of the commission.~~  
 22 This delivery may only be performed by the permit holder or an  
 23 employee who holds an employee permit. The permit holder shall  
 24 maintain a written record of each delivery for at least one (1) year that  
 25 shows the customer's name, location of delivery, and quantity sold.

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